UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSE FIRE

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LIFE IS GOOD, INC., Plaintiff)	U.S. DISTRICT OF ASE.	1	-	2	9	PAK
v.)	C.A. No.					A Link
)						
LG ELECTRONICS U.S.A., INC.						
and LG INFOCOMM U.S.A., INC.						
Defendants)						

PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY SCHEDULE AND FOR A SPEEDY TRIAL

Plaintiff Life is good, Inc. ("Life is good") respectfully requests that this Court enter an expedited discovery Order and schedule a trial in this matter for the first available date in October of 2004. As grounds therefor, Life is good states as follows:

- 1. The plaintiff has brought this action against defendants LG Electronics U.S.A., Inc. ("LGE") and LG InfoComm U.S.A., Inc. ("LGI") for trademark dilution under Massachusetts law, common law unfair competition, and for violations of the Lanham Act.
- 2. This case centers on the defendants' recent adoption in Massachusetts and throughout the United States of the marks "Life's Good", "Life Is Good" and a smiling face design. The plaintiff asserts that the defendants' adoption of those marks dilutes the distinctive quality of, and infringes upon, the plaintiff's longstanding registered "Life is good" and smiling face design marks.
- 3. Although the plaintiff is not seeking preliminary injunctive relief, the plaintiff is seeking a permanent injunction prohibiting the defendants from using their marks. Clearly, such a remedy is only effective if it is granted in a timely fashion. Thus, the plaintiff has a strong

interest in having an expeditious resolution to its dilution and Lanham Act claims.

- 4. Although some minimal discovery is needed to uncover the defendants' intent in adopting the marks in question and use thereof, the plaintiff believes that any such discovery can be completed within sixty days (60 days).
- 5. Thus, the plaintiff is confident that discovery can be completed by the end of August 2004, and that the parties will be prepared to try the case on the first available date in October of 2004.
- 6. Such a schedule would not prejudice either party. In fact, it would benefit all parties because it would effectuate an orderly and efficient resolution of this dispute, enabling the parties to learn their rights with respect to their marks as soon as possible.

WHEREFORE, for the reasons set forth above, the plaintiff respectfully requests that this Court enter an Order requiring that the parties complete all discovery in this action by August 31, 2004, and scheduling a trial for the first available date in October of 2004.

LIFE IS GOOD, INC., By its attorneys,

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